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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,812	05/04/2001	Mitchell S. Askenas	1436/159	7911
2101	7590	11/29/2006	EXAMINER	
BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618			SALTARELLI, DOMINIC D	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/848,812

Applicant(s)

ASKENAS ET AL.

Examiner

Dominic D. Saltarelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 objected to because of the following informalities: On lines 9-10, "the generator" should be --a generator--. Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (6,266,369) [Wang] in view of Mao et al. (6,459,427) [Mao].

Regarding claims 1, 10, 17, 24, 25, 26, 28, 29, and 32, Wang discloses a television headend for delivery of television channels to a plurality of subscriber televisions and comprising:

a web content server in communication with the television headend and including a browser application including at least one instance of the browser application to capture successive images of the web page displayed thereby and

an image compressor to compress the successive images captured by the image capture module from the at least one instance of the browser application for delivery as a television channel (col. 1, lines 18-61 and col. 2, lines 51-60), wherein the web page includes a streaming video element and wherein the successive images of the web page produce a video stream making the streaming video element viewable on a subscriber television (col. 4, lines 43-64).

Wang fails to disclose the channels are separately selectable to any of the plurality of subscriber televisions to permit simultaneous viewing on subscriber televisions at which the television channel is selected.

In an analogous art, Mao teaches a system wherein encoded Internet data is broadcast as television channels separately selectable to any of a plurality of subscriber televisions to permit simultaneous viewing on subscriber televisions at which the television channel is selected (col. 5, lines 33-53), providing the benefit of enhanced programming content distributed to subscribers (col. 2 line 48 – col. 3 line 35).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method television headend of Wang to include the channels are separately selectable to any of the plurality of subscriber televisions to permit simultaneous viewing on subscriber televisions at which the television channel is selected, as taught by Mao, for the benefit of providing enhanced programming content distributed to subscribers, as the web content is selected ahead of time by the broadcaster to related to broadcast programming and to include more

general items of interest, such as stock quotes, weather forecasts, and sports scores.

Regarding claims 2-4, 11-13, and 18-20, Wang and Mao disclose the headend and method of claims 1 and 10, wherein the web content server further comprises:

setup records each corresponding with an instance of the browser application and each including parameters corresponding with a starting uniform resource locator (URL), a television channel identifier of a corresponding television channel, and a reload [image capture] interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL;

a generator coupled to the setup records and configured to generate a corresponding browser instance from each setup record including a loading of a webpage identified by the starting URL in the corresponding setup record; and

a controller coupled to the setup records and to each browser instance generated by the generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record (Mao, col. 5 line 54 – col. 6 line 30, where the MORECAST application module controls the times at which the HTTP proxy server retrieves data from a selected URL to create the data carousel and maps the content to a television channel using the HTML/MPEG data protocol module).

Regarding claims 5, 27, and 31, Wang and Mao disclose the television headend of claims 1, 26, and 29, but fail to disclose the web page displayed by the at least one instance of the browser application includes at least one frame portion and a script which identifies a set of web pages and a corresponding upload interval for each of the web pages in the set; and the script executable by the at least one instance of the browser application to sequentially upload each of the web pages identified in the set into the at least one frame portion for capture by the image capture module and subsequent display on the corresponding selectable television channel.

Examiner takes official notice that web pages which included frames and scripts, executable by internet web browsers, which identify a set of web pages and a corresponding upload interval for each of the web pages in the set for retrieval by the browser for display in the frame, were notoriously well known by those of ordinary skill in the art at the time, such pages provided the benefit of a pre-scripted presentation of content that did not require any user input, such as a corporate introduction to a website or a passive slide show.

It would have been obvious at the time to a person of ordinary skill in the art to modify the television headend of Wang and Mao to include the web page displayed by the at least one instance of the browser application includes at least one frame portion and a script which identifies a set of web pages and a corresponding upload interval for each of the web pages in the set; and the script

executable by the at least one instance of the browser application to sequentially upload each of the web pages identified in the set into the at least one frame portion for capture by the image capture module and subsequent display on the corresponding selectable television channel, for the benefit of pre-scripted presentation of content that does not require any user input.

Regarding claims 6, 14, 21, and 30, Wang and Mao disclose the television headend and method of claims 1, 10, 18, and 29, wherein the web content server further comprises:

the browser application includes a first browser instance and a second browser instance each displaying a corresponding web page and a multiplexer with inputs coupled to the image compressor and an output for multiplexing corresponding images from the first and second browser instances onto a single analog television channel as discrete digital television channels (Mao, col. 4 line 33 – col. 5 line 24, where each 6 MHz analog channel carries plural multiplexed MPEG-2 encoded digital transport streams of HTML and programming content).

Regarding claims 7-9, 15, 16, 22, and 23, Wang and Mao disclose the television headend and method of claims 1, 10, and 17, wherein the web content server further comprises a database containing setup records (the MOREGATE server, Mao, col. 5, lines 32-53), each setup record including a starting uniform resource locator (URL), a television channel identifier and a reload [image

capture] interval defining for each instance a corresponding interval for reloading a web page identified by the starting URL; and

a controller coupled to the database and to each browser instance generated by a generator to control the reload interval for each browser instance to conform with the reload interval in the corresponding setup record (Mao, col. 5 line 54 – col. 6 line 30, where the MORECAST application module controls the times at which the HTTP proxy server retrieves data from a selected URL to create the data carousel and maps the content to a television channel using the HTML/MPEG data protocol module).

Wang and Mao fail to disclose an administrative module providing graphical user interfaces to input and update setup records in the database.

Examiner takes official notice that the use of graphical user interfaces was notoriously well known at the time, as such tools provide easy access for retrieval and manipulation of digital data.

It would have been obvious at the time to a person of ordinary skill in the art to modify the headend of Wang and Mao to include an administrative module providing graphical user interfaces to input and update setup records in the database, as graphical user interfaces provide easy and intuitive access for retrieval and manipulation of digital data by users.



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***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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## Certificate of Mailing

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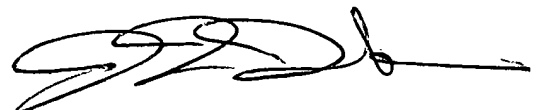
Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS



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